

## Meeting Minutes June 22, 2006

### Town of Los Altos Hills City Council Regular Meeting

Thursday, June 22, 2006 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, PRESENTATION OF COLORS BY  
SCOUT TROOP 33 AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: Acting City Manager/Planning Director Carl Cahill, City Attorney Steve Mattas, Administrative Services Director Sarah Ragsdale, Public Works Director/City Engineer Henry Louie, Public Safety Officer Steven Garcia, Senior Planner Debbie Pedro and City Clerk Karen Jost

Mayor Kerr called for the Presentation of Colors. The Color Guard from Scout Troop 33 presented the flags and led the Council and audience in the Pledge of Allegiance. Certificates of Appreciation were given to scouts Alex Marcopulos, Jeremy Ahearn, Devin Joy, Alex Carr and Alex Dunn by Mayor Kerr. Council thanked them for the opening ceremony.

Councilmember Mordo offered that the Presentation of Colors at the City Council meetings by community scout troops was a new program under the direction of the Community Relations Committee and the Youth Commissioners.

#### 1.1 Reorganization of Council

Mayor Kerr called for nominations for Mayor.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to elect Mayor Pro Tem Dean Warshawsky to serve as Mayor of Los Altos Hills.

Mayor Kerr thanked the Council, staff and residents for their support during his term and noted the many achievements that had been brought to fruition during his tenure. He wished Mayor Warshawsky success.

Mayor Warshawsky presented Kerr with a plaque for his outstanding service to the community in his role as Mayor.

Mayor Warshawsky acknowledged that it was a great honor to be selected to serve as Mayor. He noted that Councilmember Kerr was an outstanding role model and had achieved much during his term. Warshawsky thanked Councilmember O'Malley for his mentoring and his fellow Councilmembers for their ethics of hard work and dedication and added that he was looking forward to the year.

Warshawsky outlined his goals for the Town. He noted that he had looked to the residents for direction in developing his goals and encouraged the Council to join him in his efforts to address infrastructure issues including undergrounding and sewers; endeavors to continue to improve wireless communications; completion of the General Plan update; and to bring the future of public education in Town to its ultimate democratic conclusion, a vote of the residents.

Mayor Warshawsky called for nominations for Mayor Pro Tem.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to elect Craig A.T. Jones to Mayor Pro Tem.

Mayor Pro Tem Jones thanked the Council and offered that he was looking forward to working with the Council on the ambitious long term goals outlined by Mayor Warshawsky. Jones added that pathway improvements would continue to be an important and major part of the Town's business.

COUNCIL MEETING RECESSED AT 6:20 p.m.

COUNCIL ADJOURNED TO CLOSED SESSION AT 6:20 p.m.

COUNCIL MEETING RECONVENED AT 6:30 P.M.

COUNCIL RECONVENED TO OPEN SESSION AT 6:30 P.M.

Report out of Closed Session: City Attorney Mattas reported that Council had provided direction during the Closed Session.

Mayor Warshawsky reordered the meeting to discussion of agenda item 6.5 to conclude the Council's business from the Closed Session. Council concurred.

## 2. APPOINTMENTS AND PRESENTATIONS

### 2.1 Appointment(s) to Planning Commission (2 vacancies)

Council had before them applications from Steve Bristow, Carl Cottrell, John Harpootlian and Bill Kerns.

Council interviewed candidates in attendance, Bristow and Kerns.

Following a paper ballot, Carl Cotrell and John Harpootlian were selected by Council to serve as Planning Commissioners for a term of four years.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to limit comments from the floor to two minutes.

3. PLANNING COMMISSION REPORT

- 3.1 Lands of Picetti: Request for a Conditional Development Permit for a New 4,978 square foot Two Story Residence with a 1,544 square foot Basement. The Proposal includes a Request for a Variance to allow an Encroachment into the Side Setback for One Required Parking Space, One Bay Window, One Kitchen Window and a Chimney. (#107-05-ZP-SD-GD-VAR-CDP)

City Manager Cahill reviewed the Planning Commission approval of Lands of Picetti. He noted that the variance granted was for a parking space and several windows to encroach in the eve line within the setback.

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the Consent Calendar, specifically;

- 4.1 Approval of Minutes: Regular City Council Meeting June 8, 2006
- 4.2 Review of Disbursements: June 2,2006 – June 13, 2006 \$40,144.12
- 4.3 Monthly Financial Report
- 4.4 Approval of Ordinance 449-Amendment to the Zoning Code with Regard to the Basement Definition and Associated Floor Area Exemption (Section 10-1.208) (CEQA review: Exempt pursuant to Section 15308)  
(SECOND READING)  
Motion to Waive Further Reading                      Motion to Adopt the Ordinance
- 4.5 Grant of Pathway Easement-Lands of Kim; 13686 Page Mill Road  
Resolution # 49-06
- 4.6 Dedication of Right-of-Way-Lands of Kim; 13686 Page Mill Road  
Resolution # 50-06
- 4.7 Grant of Open Space Easements-Lands of Kim; 13686 Page Mill Road  
Resolution #51-06
- 4.8 Approval of Amendment to Professional Services Agreement between Town and Meyers Nave

- 4.9 Approval of a Resolution Authorizing and Directing the City Engineer to Act on Behalf of the Town of Los Altos Hills to Enter into Agreements with California State Department of Transportation for Federal Aid Projects  
Resolution #52-06

5. UNFINISHED BUSINESS

5.1 Town Goals

Town Goals were discussed by Mayor Warshawsky at the time of the Council reorganization.

5.1.1 Public Education: Bring the Future of Public Education to a Vote

5.1.2 Underground Utilities: Develop a Financing Plan for Voter Approval

5.1.2a Resolution Authorizing Agreement with Godbe Research for Conducting a Survey and Related Services

Mayor Warshawsky introduced this item to Council. He provided a brief overview of the historical efforts to underground utilities in Town. Warshawsky noted that the current Ad-Hoc Undergrounding Committee were reviewing different financial mechanisms for the project and suggested that the proposed survey would assist in determining the interests of the community and the threshold of support.

Steve Schmidt, Byrd Lane, Ad-Hoc Committee member, spoke to the committee's investigation of a utility user tax that would fund an ongoing program to underground utilities. In addition to the tax, the committee was proposing that contributions could be made to the fund by residents who would like their project prioritized. The survey would help to assess the level of comfort with residents for different tax price points that would be added to utility bills. Jones suggested that the committee consider testing at lower levels and recommended that the survey include a test below 5%.

Warshawsky explained that Godbe had been selected to perform the survey because of their familiarity with the community and previous successful projects with the Town. The committee had determined they had the best potential for a successful assessment of resident support for the proposed tax.

Council discussion ensued. Mordo suggested that it might be difficult to motivate residents to support a tax for a project that could potentially take thirty to forty years to implement. He noted that the tax was a good mechanism to fund the program and suggested that the Council might consider borrowing to complete the undergrounding quickly and then use the tax to pay back the funds. Mordo suggested that people would be able to see the benefit and would not be as discontented with the tax.

Schmidt explained that the goal of the committee was to get moving on the project of undergrounding the Town's utilities and they saw the survey as an invaluable first step.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Jones and passed unanimously to adopt Resolution No. 48-06 and approve the agreement between the Town and Godbe Research for consulting services in the amount not to exceed \$13,075.

5.1.3 Sanitary Sewers: Update and Implement the Master Plan

5.1.4 Wireless Communications: Continue to Improve Town Wide Cell Coverage

6. NEW BUSINESS

6.1 Emergency Preparedness Committee Presentation: "Are We Prepared to Respond" –Steven Garcia, Public Safety Officer

Public Safety Officer Steven Garcia introduced this item to Council. He proceeded with a PowerPoint presentation titled "Are We Prepared?" Garcia thanked Emergency Preparedness Committee members Dru Anderson, Lynn McLeod and Councilmember Jean Mordo for their assistance in developing the presentation. Highlights of the report included: discussion of the Town's existing Emergency Plan organization structure and response; the identification of emergency response gaps; and proposed solutions.

Council thanked Garcia for his presentation. Council discussion ensued. Funding for the emergency program and staffing was discussed. It was noted that the Los Altos Hills County Fire District was taking a proactive stance and supportive of the Town's CERT volunteer program and were currently in the process of hiring a full time staff person charged with volunteer training who would be available to the Town for this purpose. Public Safety Officer Garcia would be the Town's lead staff person who would administer the emergency preparedness program and monitor the volunteers.

City Manager Cahill explained that staff would return to Council when funding requirements for the program and equipment had been fully evaluated. He noted that the COPS Fund was healthy and he did not see any fiscal impact from the program. Cahill explained that the initial component to the preparedness plan was the adoption of the succeeding amendment to the Municipal Code that would address management of the volunteer CERT program and when the volunteers were trained, the issue of equipment would be revisited.

Jones expressed an interest in Council being familiarized with both the Town's and support agencies roles during an emergency.

6.2 Introduction of Proposed Draft Ordinance Amending Title 4 "Public Safety" by Amending Chapter 1 Entitled "Emergency Organization and Protection" (FIRST READING)

Public Safety Officer Steve Garcia introduced this item. He reviewed the proposed draft ordinance before Council that would amend and expand the duties of the Emergency

Preparedness Committee (EPC) to oversee the CERT (Community Emergency Response Team) volunteers; revise the membership of the Committee to include the Town's Public Safety Officer and a representative from the Los Altos Hills County Fire District; and, change the name of the committee from the Emergency Preparedness Committee to the Emergency Planning Committee. Garcia explained that the previous presentation had illuminated the reasons for the proposed amendment.

Councilmember Mordo, council liaison to the EPC, explained that the Katrina disaster had heightened the awareness of the importance of the Town and the residents being self sufficient during an emergency. The proposed amendments would enable the committee to have a broader role in managing the Town's response to an emergency.

#### OPENED PUBLIC COMMENT

Dru Anderson, Emergency Communications Committee (ECC) Chair, commended Garcia on his succinct presentation. She advised that the ECC supported the proposed ordinance and offered that the key point to a successful emergency response was management and added that the County was taking a similar approach to regional emergency preparation. She encouraged the Council to participate in a training session to garner a good understanding of everyone's role in the emergency response plan.

#### CLOSED PUBLIC COMMENT

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Kerr and passed unanimously to waive reading and introduce the ordinance amending Title 4 "Public Safety" by Amending Chapter 1 Entitled "Emergency Organization and Protection". Ordinance 501

#### 6.3 Introduction of Proposed Draft Ordinance Amending the Los Altos Hills Code Pertaining to the Meeting Time of Regular City Council Meetings (FIRST READING)

Mayor Warshawsky explained that the draft ordinance before Council for their consideration would amend the start time of Council meetings from 6:00 p.m. to 6:30 p.m. Council had before them two iterations of the proposed ordinance: attachment #1 set the public hearing time to start no earlier than 7:00 p.m. and attachment #2 set no specific time for the public hearing start time.

Council discussion ensued. They concurred that the residents were acclimated to the public hearings beginning a half hour after the start of the meetings and that the intervening half hour was useful in the management of agenda items.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Mordo and passed unanimously to waive reading and introduce the ordinance presented as attachment #1 in the staff report. Ordinance 502

#### 6.4 Report on Page Mill Road Safety Issues

Public Works Director/ City Engineer Henry Louie introduced the item to Council. The memo before Council had been prepared in response to correspondence from resident Paul Khavari that had outlined his safety concerns with conditions on Page Mill Road. Louie reviewed the Town's efforts on the issue that included: installation of a proposed guard rail; placement of two 20 mph speed signs in the identified area; correction of the cross slope of the roadway during the Street Pavement Reconstruction this summer; and scheduled meetings with a geotechnical consultant and arborist to discuss hillside and tree stabilization in the area. Louie concluded that staff was closely monitoring this section of the roadway.

Following Council discussion, they directed staff to review the trees and siting issues on Page Mill Road.

#### 6.5 Consideration and Approval of Employment Agreement for City Manager

City Attorney Steve Mattas advised that Council had before them a resolution and employment contract with a one year term between the Town and Carl Cahill for the position of City Manager. Mattas provided the City Clerk with a copy of both documents.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Kerr and passed unanimously to adopt the resolution and approve the contract. Resolution No.46-06

Council congratulated Carl Cahill on his appointment and wished him success in his new position of City Manager. Council noted that they had concluded a lengthy search for City Manager and were pleased to find that their candidate of choice was at Town Hall. Cahill had successfully served as Interim City Manager for the past six months and Council was looking forward to continuing the positive working relationship. They noted that his background in land use and his common sense approach to town business were strengths that would serve him well in his new managerial role.

#### 7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

No report.

#### 8. STAFF REPORTS

##### 8.1 City Manager

No report.

##### 8.2 City Attorney

City Attorney Steve Mattas advised that by unanimous vote, the Council had approved the settlement agreement in the matter of Ligeti and Campbell vs. Town of Los Altos Hills. The matter was now complete and both parties had agreed that the settlement was

an acceptable outcome. As part of the settlement, the case had been dismissed in its entirety against the Town of Los Altos Hills.

### 8.3 City Clerk

#### 8.3.1 Report on Council Correspondence

## 9. COUNCIL-INITIATED ITEMS

### 9.1 Consideration of Proposed 2006 Council Goal Setting Session – Mayor Warshawsky

Mayor Warshawsky introduced this item to Council. He spoke to Council's 2005 Strategic Goal Setting Session, and offered that it had been a positive experience and he felt it was appropriate to continue with an annual workshop. Warshawsky suggested that Council consider selecting a different facilitator in 2006 and recommended consultant Geoff Ball.

Council discussion ensued. There was a consensus of Council to schedule an annual strategic planning session but there was no concurrence on a date. Following a brief discussion, Council concurred with Warshawsky's recommendation of Geoff Ball as the Facilitator for the workshop and directed staff to contact him regarding his availability.

### 9.2 Consideration of Summer Council Meeting Schedule – Councilmember Mordo

Councilmember Mordo requested Council consideration of cancelling the first meeting in August noting that Council historically cancels a meeting during summer. City Manager Cahill suggested that Council might consider cancelling the first meeting in August to accommodate their summer schedules and dedicate their second meeting in August to the Council Goal Setting Session.

Council discussed the options. It was determined that, if there were any items that required Council action, Council could convene a meeting following their Goal Setting Session with a limited agenda.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Mordo and passed unanimously to cancel the August 10, 2006 regular City Council meeting and schedule the Council Strategic Goal Setting Session for August 24, 2006.

### 9.3 Consideration of Supplemental Membership on the Ad Hoc Subcommittee of the Public Education Committee – Mayor Pro Tem Jones

Mayor Pro Tem Jones provided an update to Council regarding the redistricting resolution (petition) that had been forwarded to the County Committee. He noted that the petition had been reviewed by the City Attorney and accompanied by a cover letter from Mayor Kerr and received by the County on June 21, 2006. He noted that a supplemental



action by Council had been the creation of an Ad- Hoc Subcommittee of the Public Education Committee to work on this issue going forward. The Public Education Committee had subsequently appointed four members to serve on the subcommittee and Jones proposed an amendment to the committee membership to include Mayor Warshawsky and two community members. The Mayor would have voting rights and would have the authority to appoint the additional two members. Jones explained that it was important to have as many people as possible to interface with the public and public agencies that would be relevant in the redistricting.

Mayor Warshawsky noted that he had identified public education as his first Town goal and he concurred with Jones that it was imperative to work closely with the County Board and keep the residents apprised of the issue. He reiterated the importance of communication with public agencies and the community during the process.

Jones noted that once the issue had moved to a ballot measure, the Council could no longer be involved but it was important that they continued their communication and public education at this level.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Kerr and passed unanimously to expand the membership of the Public Education Ad-Hoc Subcommittee to seven members and appoint Mayor Warshawsky to the Subcommittee and delegate him the authority to appoint the additional two members.

9.4 Consideration of Amendment to Resolution 44-06 Establishing Standing Committees to Designate the Pathways Committee Chair to Serve as the Town's Representative on the VTA Bicycle & Pedestrian Advisory Committee –Councilmember Kerr

Councilmember Kerr explained that he was seeking direction from Council. He provided an overview of the efforts that had been taken to successfully recruit a volunteer to serve as the Town's representative on the Valley Transportation Authority's Bicycle and Pedestrian Advisory Committee over the course of the past two years. Kerr explained the importance of having the Town represented on the Committee to ensure that Town projects are included in the grant process for pathway improvements and noted that the VTA could be a significant funding resource for many of the pathway improvement projects that had been identified by the Standing Pathways Committee. He recommended that the standing committee resolution be amended to mandate the Pathways Committee Chair to serve as the representative or his/her member designee.

Nancy Ginzton, Pathways Committee member, explained that current chair Ginger Summit had expressed her belief that the obligation for additional meetings would be too much for the chair but she concurred with the importance of having a Town representative and would aggressively pursue the appointment.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Mordo and passed unanimously to amend the standing committee resolution to charge the Pathways

Committee Chair to serve on or appoint a member of the Pathways Committee as her/his designee to the VTA Bicycle & Pedestrian Advisory Committee for a term of one year.

#### 10. PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, provided a brief summary report on the status of the Adobe Creek Project Collaborative. He explained that the conceptual plan would be forwarded to City Engineer/Public Works Director Henry Louie and possibly to the Council for their review and conceptual approval.

Council thanked Couperus for his work on the project. O'Malley added that he had attended a number of the Adobe Creek Collaborative working sessions and appreciated the efforts of Couperus in his capacity as moderator of the meetings.

Jolon Wagner, Los Altos Hills Horsemen's Association, thanked the City Council for the recent improvements that had been made at the Town ring. Wagner was accompanied by riders and their horses that gathered outside Chambers. She introduced the members of LAHHA and their mounts. Wagner acknowledged the efforts of Parks and Recreation Supervisor Tod McLemore to facilitate the successful project and noted that an invitation to a formal ribbon cutting ceremony was forth coming.

Eric Clow, Central Drive, shared with Council a mailer that had been sent to residents from the Los Altos School District that documented the relevant revenues to the District and Bullis Charter School. He suggested that residents and Council not support the current proposed LASD bond measure unless they agree to financial equality for the Bullis Charter School.

Maria Caffey, Adonna Court, stated that she believed a requirement to remove eucalyptus trees as a condition to a remodel was unfair. She noted that she had an older home and wished to remodel the residence but could not afford the \$15,000 it would cost to remove her trees. Caffey offered that the Town had already conducted a tree survey and identified and removed dangerous trees and she believed the proposal was an extra step that was not necessary and would be a burden to property owners.

#### 11. PUBLIC HEARINGS

##### 11.1 Consideration of Proposed Operating and Capital Improvement Program Budgets for Fiscal Year 2006-2007

City Manager Carl Cahill introduced this item to Council. He explained that Council, staff and the Finance and Investment Committee had conducted extensive discussions on the proposed budget. Based on observations garnered from the discussions and information subsequent to the council meeting and budget study sessions, Administrative Services Director Sarah Ragsdale had amended the budget to include the items identified in the staff report chart before Council.

Cahill noted that an additional item included in the proposed budget was an increase in funding of \$15,000 for IT support from contract services provider, Palo Alto. The additional funds would provide time for an onsite tech for five hours a week.

Administrative Services Director Sarah Ragsdale noted that she was available to answer Council questions.

Council thanked Ragsdale, the Finance and Investment Committee and Councilmember Jean Mordo for their efforts in presenting this year's budget in a new and easily understandable format. Council noted that the draft budget had addressed the issue of retiree health care benefits and their fiscal impact. They noted that they had reviewed the budgetary numbers in detail and adjustments had been made in response to their recommendations.

OPENED PUBLIC HEARING  
CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve the proposed Operating and Capital Improvement Program Budgets for Fiscal Year 2006-2007 as presented. Resolution No. 47-06

11.2 Consideration of Proposed Amendment to the Zoning Ordinance (Section 10-1.502(B)(5)(B) Allowing up to 500 Square Feet of Additional Development to Property Owners Who Install an Equal Amount of Roof Mounted Solar Panels Subject to Certain Conditions (First Reading) and Review and Consideration of an Initial Study and Adoption of a Mitigated Negative Declaration

Councilmember Kerr abstained from consideration of this item and stepped down from the dais.

City Manager Carl Cahill introduced this item to Council. He referenced a recent news article that reported that the Bay Area would be host to the world's largest solar-cell manufacturing factory. Cahill suggested that this represented the area's long term commitment to solar energy.

Cahill advised that the proposed zoning ordinance amendment before Council was a local incentive for property owners to install solar panel systems on their homes. The Planning Commission had reviewed the draft amendment and were recommending by a 4-1 vote, approval of the ordinance by the City Council.

Cahill reviewed the provisions of the ordinance that would allow a 1:1 development area bonus (500 sq. ft. maximum) for installing roof mounted solar panel systems. Cahill noted that provisions had been kept to a minimum to ensure that "red tape" would not be a deterrent to the incentive. He explained his concern with condition "d" of the proposed ordinance pertaining to deposits. He suggested that there was the possibility that residents might post the deposit and not install the system and add the additional development

area. Cahill advised that with this exception, he believed the incentive ordinance was a good idea and a reasonable offer to residents.

Cahill spoke to the recent concerns that had been expressed regarding the ordinance's environmental impact. He explained that the additional development area relative to the overall size of the Town was a small percentage. In addition, development area was often not an impervious surface and did not create drainage issues. Staff believed that the Town's current zoning and site development ordinances had adequate provisions to mitigate any impacts that this ordinance might cause. Cahill referred to the attached Initial Study and Mitigated Negative Declaration that explained this in more detail.

Cahill reviewed the sunset provision in the ordinance that appeared as item "h" and called for the section to expire on July 30, 2013. The provision was included in an effort to prompt residents to move quickly to install solar systems. The provision could be changed by Council or a future Council if they wished to continue the program for additional time.

#### OPENED PUBLIC HEARING

Dot Schreiner, Saddle Mountain Drive, expressed her concern that the mitigation for the cumulative affect of the additional development area on the Town was the sunset clause in the ordinance and it was now being suggested that this could be amended at any time by Council. Schreiner suggested that with the adoption of this ordinance, Council was following a pattern of increasing development area to solve problems.

Jitze Couperus, Page Mill Road, referenced the historical examples of people making deposits to achieve whatever they needed and then not fulfilling their commitments

Dru Anderson, Saddle Court, questioned if there wasn't some other incentive that could be offered noting the recent news coverage regarding the difficulties in selling large-"monster" homes. She suggested Council consider another incentive as an alternative to development area that would be applicable to water conservation.

#### CLOSED PUBLIC HEARING

Council discussion ensued.

Councilmember Mordo stated that he did not support the proposed ordinance. He noted that solar energy was a good idea and the technology of the future and hopefully, ultimately the technology of the present but he believed that the ordinance traded the goal of a reduction of global dependence on fossil fuels by damaging the local environment. Mordo identified his reasons for his position that included: 1) the potential damage to the Town's environment that additional development area could cause, noting that "paving" an area would last indefinitely and there was no clear nexus to granting bonus development area i.e. a deck to the use of solar; 2) did not believe it was necessary-the cost of energy was increasing and the cost of solar was declining; and, 3) the LUF formula for Maximum Floor Area and Maximum Development Area had served the

Town well. Mordo explained that the LUF formula was an arbitrary number but one that the Town had historically supported and he believed it was unwise to modify it.

Mordo suggested that it would be more appropriate to give cash bonuses to residents who chose to use solar energy rather than granting additional development area. Cash bonuses would not have the potential of harming the environment.

Mayor Pro Tem Jones supported the proposed ordinance. He offered that the proposed ordinance had been carefully examined and reviewed by the Environmental Initiatives Committee and the Planning Commission and undergone several iterations before moving forward to the City Council. Jones noted that it was important to consider the proposed ordinance in the context of Council's overall efforts to encourage the use of solar as an energy source. Jones reviewed Council's previous actions to encourage the use of solar that included: the elimination of building permit fees for photovoltaic systems; exemption of freestanding solar panels on development area calculations; and, the photovoltaic credit option to achieve compliance with the Town's Energy Efficiency Standard. He considered the proposed ordinance an integral part of the Town's effort to promote the use of solar energy and added that its adoption would place the Town in the position of being one of the pro-solar leaders in the State. Jones noted that the ordinance only gave credit for roof top solar panels and would encourage residents to use the less obtrusive systems. He supported the sunset clause noting that it achieved the goal of encouraging residents to use solar over the next several years and it was difficult to forecast the situation in the future and it could be revisited at that time. Jones concluded that the ordinance fulfilled Council's desire to use the "carrot and stick" approach to the Town's solar policy.

Jones added that he was sensitive to staff's expressed concerns regarding deposits (item d) and was open to modifying that section of the ordinance but otherwise was in support of the ordinance as presented.

Councilmember O'Malley concurred that the LUF formula had served the Town well but he was conflicted, noting that the nation as a whole had done an abysmal job in managing energy and the dependence on oil and fossil fuels. He believed it was appropriate and important for the Town to "do the right thing" to support and encourage the use of solar as an alternative energy source. O'Malley suggested that staff should continually monitor the ordinance and report to Council periodically on the number of participants in the program and the number of installations versus the number who forfeit deposits and fail to install systems.

Mayor Warshawsky requested clarification from City Manager Cahill regarding thermal systems and their exclusion from the ordinance. Cahill explained that it was difficult to ensure that thermal systems would be installed professionally, noting that the quality of some of the roof top thermal systems were questionable and would be difficult to assess their energy productivity.

Council discussion ensued regarding the elements of the ordinance. Cahill explained that if the sunset measure was changed or deleted, a new environmental document and

reassessment of the project would be required. Mordo suggested a set number of fifty approved applications would be a way to mitigate the environmental impact of the proposed ordinance. Cahill explained that the suggestion was a more restrictive measure than the ordinance before Council and the amendment would not require a new Initial Study/ Mitigated Negative Declaration. Council supported staff returning to Council on a route basis to keep them apprised of the affects of the ordinance. Warshawsky supported a modification to the ordinance deposit clause as proposed by staff.

Mayor Warshawsky expressed his support for the ordinance. He noted that it did not affect the permitted maximum floor area development and was a progressive plan in support of solar use. He reiterated the importance of staff monitoring the program.

Cahill suggested that if Council wished to modify the ordinance language that pertained to deposits, they could eliminate the last two lines in item (d).

City Attorney Steve Mattas advised the Council on the voting procedure for the proposed ordinance.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by O'Malley and passed unanimously to adopt the Initial Study and Mitigated Negative Declaration. Councilmember Kerr abstained from consideration of this item.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by O'Malley and passed unanimously to waive reading of the ordinance beyond the Title with the following amendments: Section 10-502 (b) (6) item d) the last two lines (starting with the word alternatively and concluding with approval) be deleted and the inclusion of an additional provision that directed staff to report back to the City Council within one year on the implementation and affect of the ordinance. Councilmember Kerr abstained from consideration of this item.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by O'Malley to and passed by a 3-1 voice vote (Ayes: Warshawsky, Jones, O'Malley Noes: Mordo) to introduce the ordinance with the two previously noted modifications. Councilmember Kerr abstained from consideration of this item. Ordinance 500

11.3 Consideration of Proposed Amendment to the Site Development Ordinance Requiring Removal of Eucalyptus Trees at the Time of Site Development Approval (Section 10-2.802) (First Reading) and Review and Consideration of an Initial Study and Adoption of a Mitigated Negative Declaration (Item continued to the July 13, 2006 regular City Council meeting)

Mayor Warshawsky explained that staff had requested continuation of this item.

## OPENED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to continue the item to the July 13, 2006 regular City Council meeting.

Council adjourned to Closed Session at 9:25 p.m.

## 12. CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section 54957)  
Positions: City Manager and Planning Director

CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)

Unrepresented Employee: City Manager

City Negotiators: Craig Jones, Jean Mordo, Steve Mattas

Council Reconvened to Open Session at 10:00 p.m.

Report out on Closed Session items: Direction was given to staff. No action was taken.

## 13. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 10:00 p.m.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the June 22, 2006 regular City Council meeting were approved as presented at the July 13, 2006 regular City Council meeting.